REMARKS

Claims 1, 3-5, 7, 9-10, 12, 14-19 and 50-53 are pending in the present application. Claims 2, 6, 8, 11, 13 and 20-49 are cancelled without prejudice or disclaimer of the subject matter contained therein. Claims 50-53 are newly added. Claims 1, 7, 10, 12 and 15-18 have been amended. Claims 1, 7, 12 and 50 are independent claims.

Claim Rejections – 35 U.S.C. §101

Claims 7-11 and 27-44 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Claim 7 has been amended in view of the Examiner's claim rejections under 35 U.S.C. §101 to specifically recite that the recording medium contains the data structure for managing decryption and copy protection information by a reproducing apparatus. Because these amended terms tie each of claims 7, 9 and 10 to a specific apparatus, these claims recite statutory subject matter under Section 101.

Claims 27-44 have been withdrawn, thus rendering the current Section 101 rejection of these claims moot.

Claim Rejections – 35 U.S.C. §102

Claims 1, 3, 5-7, 9, 11-12, 14-18, 20, 22-24, 27-31, 34-36, 38-39, 44-46 and 48-49 are rejected under 35 U.S.C. §102(b) as being anticipated by Ueda et al. (U.S. Patent No. 6,289,102). Reconsideration of these rejections is respectfully requested for at least the following reasons.

Claim 1, directed to a method of recording copy protection information on a recording medium, has been amended to specifically recite that, among other things, copy protection information is recorded in a first area and additionally in a second

area other than the first area where the second area is separated from the main data area. Further, data regarding the position(s) of the decryption information is also recorded in the second area (or as described in the specification, the lead-in area). Thus, the redundant system of recording copy protection information as recited in amended claim 1 ensures that if information necessary for decryption is corrupted or otherwise not available in a first location, there are other locations that contain the same information that could be accessed by the system for decrypting data in the main data area.

However, the portions of Ueda et al. cited by the Examiner do not support the current rejection under 35 U.S.C. §102(b). With reference to Fig. 12(b), Ueda shows a table in the scramble information sector having four entries where each entry consists of a set of a seed key and preset data. In the table shown in Fig. 12(b) separate seed keys and preset data are **individually** recorded for each of the entries 1-4. In contrast with the method recited in claim 1, the decryption information contained in the table of Fig. 12(b) is not necessarily the same seed key and preset data in each entry. As a result, the system disclosed in the Ueda reference does not have the same redundancy as contemplated by the method recited in amended claim 1. In amended claim 1, the decryption information is recorded in various locations in order to ensure that the same encryption information is available to the system. In contrast, Ueda does not provide for the same type of redundancy since each of the seed key data are assigned as individual entries. Applicant recognizes that at Col. 15, lines 58-59, Ueda says that "[i]n the following description, the seed key is the same for every file." However, this further supports Applicant's position that each of the seed keys are individually created and recorded in the various portions of the scramble information sector as part of the sector header field. They are not copied for the purposes of redundancy to

ensure that the decryption information is available in multiple locations for the reproducing apparatus.

Claims 3-5 represent allowable subject matter for at least the reasons set forth with regard to claim 1.

Claim 7 is directed to a recording medium having a data area and multiple other areas identified for storing copy protection information. In claim 7, as amended, the recording medium includes, among other things, first and second areas for storing duplicates of the copy protection information. In addition, the recording medium also includes, among other things, a third area for storing information associated with the position where the copy protection information is recorded wherein the position information indicates at least the position of the duplicated copy protection information.

Similar to claim 1, Ueda fails to teach a system that provides for **duplicate** decryption information stored in multiple locations. As explained above with regard to the rejection of claim 1, the table shown in Fig. 12 contains individual seed key entries that are not necessarily the same. Each of the seed key entries are individually assigned and recorded. Thus, even if the seed key entries happen to be the same, they nonetheless do not represent duplicate entries but are individually identified and assigned. Thus, the reference is incapable of supporting the current rejection under 35 U.S.C. §102(b).

Claims 9 and 10 also represent allowable subject matter for at least the reasons set forth above with regard to claim 7.

Claim 12 is directed to a method of reproducing a recording medium. Like independent claims 1 and 7, the recited method draws a clear line of distinction between original copy protection information and duplicate copy protection information. Here, original copy information is recorded in a specific area of the

recording medium that is separate and apart from the main data area. In addition, a duplicate copy is also recorded in a second area of the recording medium. As explained above with regard to the other independent claims, the redundant system contemplated by independent claim 12 is distinguishable from the Ueda system where individual seed keys are assigned. There is nothing that teaches or otherwise suggests the redundant recording of copy protection information in separate areas as recited in independent claim 12. Claims 14-19 also represent allowable subject matter for at least the reasons set forth above with regard to claim 12.

Claims 20, 22-24, 27-31, 34-36, 38-39, 44-46 and 48-49 have been cancelled thus rendering the rejection of these claims moot.

New claims 50-53 also represent patentable subject matter for similar reasons to those set forth with regard to the method of claim 1, the recording medium of claim 7 and the method of reproducing data recited in claim 12. Claim 53 is directed to an apparatus for reproducing data from or recording data on a recording medium which includes, among other things, a controller that is capable of controlling a pickup unit to detect copy protection information based on a position information. Similar to the other amended independent claims, the apparatus detects copy protection information that may be stored in either a first area including original copy protection information and a second area including copied copy protection information. As discussed extensively above, the citied reference does not have original copy information stored in a first area and copied copy protection information stored in a second area. Column 15, lines 58-59 of the reference only states that the seed key is the same for every file in the description. This is distinguishable from Applicant's invention as recited in claim 52 since although the seed keys may be the same, they certainly are individually assigned. Further, there is no indication that one seed key is duplicated in other areas, merely that the individually assigned seed keys are the same in the

description. Very simply, there is nothing to support the Examiner's conclusion that the citied reference provides for the same type of redundancy as described in the present application and recited in the apparatus claim of claim 50.

Claims 51-53 are allowable subject matter for at least the reasons set forth with regard to independent claim 50. Claim 52 provides that the pickup unit is used to detect the copied protection information for indicating the position of the copied copy protection information. This is not taught or suggested in Ueda et al. Further, dependent claim 53 requires, in addition to the limitations of claims 50 and 52, that the controller controls the pickup unit to detect the copy protection information using the position information **if the detection of the original copy protection information recorded in the first area fails.** There is also nothing in the citied reference to suggest that if a seed key fails that the system will access a duplicate seed key, or ascertain the position of a duplicate seed key. Very simply, there is nothing in the primary reference to suggest the subject matter recited in any of claims 50-53.

Claim Rejections – 35 U.S.C. §103

Claims 2, 8, 13 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueda et al. (U.S. Patent No. 6,289,102) in view of Kobayashi et al. (U.S. Patent No. 7,248,558).

Kobayashi et al. is cited by the Examiner as disclosing that the first area may be a PIC area as defined in a blu-ray recording medium. Even assuming that the Examiner's interpretation of Kobayashi is correct, the secondary reference is incapable of curing the deficiencies in Ueda et al. as it has been applied to reject each of independent claims 1, 7 and 12. Thus, reconsideration of these rejections is also respectfully requested.

Claims 4, 10, 19, 25-26, 32-33, 37, 40-43 and 47 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueda et al. (U.S. Patent No. 6,289,102) in view of Timmermans et al. (U.S. Patent No. 5,737,286).

The Examiner relies on the Timmermans reference as disclosing the recording of copy protection information in the form of a wobble pattern. However, as with the Kobayashi reference, Timmermans et al. is incapable of curing the deficiencies in the primary reference to support the current rejections of the aforementioned claims under Section 103(a). As such, reconsideration of these rejections is also respectfully requested.

New claims 50-53 represent allowable subject matter over this combination of references for the reasons set forth above with regard to Ueda et al. Timmermans is incapable of curing the deficiencies of the primary reference.

To the extent that Applicant has not traversed a specific interpretation or application of the reference set forth herein, the Examiner should not consider this as an admission that the Applicant concedes to the correctness of the Examiner's interpretation. Moreover, Applicant reserves the right to traverse or otherwise challenge the Examiner's interpretation of this reference in the future, if necessary.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1, 3-5, 7, 9-10, 12, 14-19 and 50-53 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required $130 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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